

INTRODUCTION OF THE RETIREE  
CONTINUATION COVERAGE ACT  
OF 1995

**HON. TIM JOHNSON**

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 2, 1995*

Mr. JOHNSON of South Dakota. Mr. Speaker, today, I am introducing legislation, the Retiree Continuation Coverage Act of 1995, to help address the terrible problem that occurs when health care benefits are eliminated for retirees and their dependents. A very tragic situation occurred in my home State of South Dakota earlier this year when the John Morrell and Co. canceled insurance benefits for more than 3,300 former employees and their dependents, 1,200 of whom live in South Dakota. This heartless and irresponsible action has had a direct and immediate impact on those retirees who have lost health care benefits they thought were guaranteed for life. Many of these retirees have preexisting conditions, making private insurance either unaffordable or simply unattainable, since many private insurance plans refuse to provide coverage. And a number of these individuals do not yet qualify for the Medicare Program, as they have yet to turn 65.

My legislation would extend COBRA coverage to retirees, their spouses, and dependents in situations where health care benefits sponsored by a retirees' former employer are either eliminated or substantially reduced. This extension of COBRA would remain in effect until the retiree, spouse, or dependents reach Medicare eligibility.

In doing this, early retirees—those under the age of 65—would be able to purchase health insurance coverage at group rates until they become eligible for the Medicare Program. There is a great need for this legislation, unfortunately, I am afraid that many more early retirees who are counting on their health insurance benefits for the rest of their life will instead have their hard work and dedication rewarded with a letter from their former employer saying their insurance has been canceled effective immediately. This simply cannot continue to occur. It isn't fair, and it isn't right.

I urge my colleagues to support this important legislation and help address this serious and growing situation of early retirees losing their health insurance benefits. Similar legislation is being introduced in the Senate by Senate minority leader DASCHLE of South Dakota.

THE PHYSICIAN SELF-REFERRAL  
IMPROVEMENT ACT OF 1995

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 2, 1995*

Mr. STARK. Mr. Speaker, I am today introducing legislation to clarify, simplify, and improve the Medicare and Medicaid physician self-referral legislation, while maintaining its important protections against abuse of patients and expensive over-utilization and over-billing of the Medicare and Medicaid Programs.

Last month, when Caremark International Inc., a former health care giant pleaded guilty

to Federal fraud and kickback charges, two physicians were accused along with the company. It is predicted that several hundred more doctors eventually could face criminal prosecution before the investigation concludes—that is because Caremark's guilty pleas stemmed from paying doctors to induce referrals of Medicare and Medicaid patients to the company's several home care businesses. Although the Caremark case is not a pure physician self-referral case, it confirms that physicians are vulnerable—vulnerable to greed; vulnerable to pay-offs; and vulnerable to temptation.

Without a doubt, physician self-referral is bad for the public and bad for the patient. Study after study has shown that it inevitably encourages unnecessary duplication and overutilization of facilities and services, producing an overall significant increase in cost to the patient and to the Treasury in higher Medicare and Medicaid payments. As shown by the Caremark case, this type of unethical arrangement gives doctors powerful incentives to bend their professional judgment. Without laws to prohibit abusive arrangements, doctors will continue to drift toward the opinion that medicine is just a business, and patients are theirs to be bought and sold.

Clarification of current law is necessary. Perhaps the main problem with the law is the administration's inexcusable delay in releasing the antireferral regulations. The lack of guidance has contributed to both confusion of the doctors and to the bank accounts of lawyers, who have often created unnecessary fears about the legislation. We must clarify, where necessary, without creating loopholes that would essentially negate the law. Last year, we worked extensively with a number of provider groups and organizations to draft amendments during health reform, which were included in H.R. 3600, but that unfortunately did not pass. Today, I offer legislation to amend and clarify the physician self-referral law.

Today's bill includes a number of provisions designed to make the law clearer, more workable, and more acceptable to the provider community. The bill does the following: repeals the exception for physicians' services; includes durable medical equipment and parenteral and enteral nutrients, equipment and supplies in the exception for in-office ancillary services; excepts shared facility services that are furnished under certain conditions; creates a prepaid plan exception in the case of a designated health service, if the designated health service is included in the services for which a physician or physician group is paid only on a capitated basis by a health plan pursuant to a written arrangement and in which the physician or the physician group assumes financial risk for those services; includes an exception to the prosthetics, orthotics, and prosthetic devices and supplies designated health service by providing for prosthesis replacing the lens of an eye, eyeglasses, or contact lenses; and exceptions relating to compensation arrangements are deleted and language is inserted to define an acceptable compensation arrangement.

Physician self-referral has no inherent social value, biases the judgment of physicians, and compromises their loyalty. As the Caremark case exhibits, physicians are susceptible to the same temptations as any other person. This bill clarifies and simplifies many of the

questions raised by current law while maintaining important protections for patients and for the taxpaying public.

LUMBERTON, AN ALL AMERICA  
CITY

**HON. CHARLIE ROSE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 2, 1995*

Mr. ROSE. Mr. Speaker, I rise today to recognize Lumberton, NC.

Over 200 years ago, in the year 1787, two events were occurring simultaneously that would one day result in common good for the people of southeastern North Carolina. For to the north in Philadelphia, the Constitutional Convention, under the eye of George Washington, was drawing up what would become the Constitution of the United States. Far to the south, a small village along a river was being chartered. While the former of these events would shape the path of the new Nation, the latter, a new town called Lumberton, would shape the southeastern area of North Carolina as a center for commerce and trade.

On June 24, 1995, Lumberton was named an All-America City by the National Civic League in Cleveland, OH. No city in the United States is more deserving of this honor. Lumberton and its residents have proven their whole-hearted dedication to their community by overcoming great obstacles placed upon them by chance, not by their own volition. This example of civic pride is undoubtedly at the heart of Lumberton's honor.

Under the leadership of Mayor Ray Pennington, the city government, and the Lumberton Chamber of Commerce, a delegation of community and business leaders traveled to Cleveland to present a case that represents the true character of Lumberton. This city is a place where children grow up and know everyone in their school, where people meet each other in grocery stores, on the street, and in church with a friendly smile. Lumberton is also a place where business thrives and industry is set to move into the 21st century. Most importantly, Lumberton's character exemplifies true caring for others and the community of friends and families who call it home.

Regardless of the challenges that have faced this city, Lumberton has overcome adversity and is a great place to live and work. In Lumberton, three major races, the young and old, and the rich and poor, have come together to create a community with concern and pride.

Today, over 200 years after the Constitution was drafted, and a village began its ascent, I am proud to congratulate Lumberton, an All-America City, on its most deserved award.

AMENDMENTS TO THE PERISH-  
ABLE AGRICULTURAL COMMOD-  
ITIES ACT, 1930

SPEECH OF

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 28, 1995*

Mr. FARR. Mr. Speaker, I rise to support H.R. 1103 in the strongest possible terms.

This bill, which amends and strengthens the Perishable Agricultural Commodities Act—or PACA for those in the know, is one of the most important Federal agricultural programs for the farmer's of California's central coast. And, Mr. Speaker, it does not cost the taxpayer a dime.

PACA, which was first enacted in 1930, ensures that growers, packers, and produce dealers are paid in a timely manner for their produce without recourse to costly and time-consuming court litigation. Produce dealers and retailers must get a license from the USDA to market produce and their license fees support the program.

PACA is absolutely crucial for perishable fruits and vegetables such as strawberries or lettuce which are only marketable for a short time before they spoil. Almost every dollar of the \$2.4 billion per year in agricultural production in my district is directly tied to the protections in PACA—it is as crucial to central coast specialty crop growers as the wheat and corn programs are to mid-western farmers. So I am very happy that the House is taking up this bill today that ensures a strong PACA program well into the next century.

I want to point out that this legislation includes an important provision for domestic flower growers. Fresh-cut flowers are every bit as perishable as lettuce, grapes, or other produce. But they are not included in PACA's protections. This legislation will require the USDA to work with the flower industry to study the feasibility of including flowers within PACA.

I want to thank the Chairman ROBERTS and Mr. DE LA GARZA for their hard work in bringing this bill to the floor. I also want to thank my Subcommittee Chairman EWING and friend Mr. POMBO for their hard work in bringing all sides of the produce industry together in agreement on this legislation. Finally, I want to thank Mr. Keith Pitts and Ms. Stacey Carry of the Agriculture Committee staff who given so much of their time to move this legislation forward.

So if you enjoy artichokes, strawberries, lettuce, tomatoes, or any other of the 160 fresh produce crops that my district produces, I urge you to support this legislation.

#### WORKING TO PRESERVE, PROTECT, AND STRENGTHEN MEDICARE

#### HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 2, 1995*

Mr. QUINN. Mr. Speaker, I am pleased to have this opportunity to inform my constituents about the House of Representatives' plan to preserve, protect, and strengthen Medicare.

Unfortunately, some individuals and groups are misstating the facts, thus causing unnecessary anguish and apprehension among our Nation's seniors. In my own district in western New York, I have seen firsthand the anxiety which such statements have caused.

According to the Presidential Medicare Board of Trustees, the Medicare hospital insurance trust fund (Part A) will begin running out of money as early as next year—spending \$1 billion dollars more than it takes in—and will be completely bankrupt by the year 2002.

By law, Medicare is prohibited from making payments for hospital or other health services

if its reserves are depleted. That means if nothing is done now to preserve Medicare, 24 million seniors will be in jeopardy of losing their vital health care coverage.

I am committed to saving the program for all Americans, that includes my mother, who currently is on the program, and my daughter, who will be on it someday. If Congress does not act to save Medicare, the consequences 7 years from now will be catastrophic for all Americans.

Preserving Medicare will not require cuts in the program. Rather, Medicare spending will continue to increase more than private-sector health care spending increases and general inflation rate.

The plan makes Medicare financially safe and secure both now and in the future by simplifying the system and making it easier for seniors to use and understand it. In addition, it gives seniors the same right that Members of Congress have to choose their health care plan.

In our efforts to preserve, protect, and strengthen the Medicare Program, we must eliminate fraud and abuse. We are working with doctors and hospitals to make this happens.

I urge all of my constituents, and all Americans to play a part in the effort to strengthen Medicare. I welcome all comments and suggestions regarding my effort to save this important program.

#### A SALUTE TO NEW YORK STATE MARITIME COLLEGE PRESIDENT "HOSS" MILLER

#### HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 2, 1995*

Mr. MANTON. Mr. Speaker, last week, leaders of the U.S.-flag Merchant Marine gathered in New York City to pay tribute to retired Navy Rear Admiral Floyd Harry "Hoss" Miller, the president of the New York State Maritime College at Fort Skyler, a branch of the State University of New York. Having served with distinction as president of the New York Maritime College for 15 years, Admiral Miller has decided to move onto new challenges.

The most outstanding tribute to Admiral Miller, was the reaction of his students and colleagues to his announcement. Students at New York State Maritime and, indeed, leaders of the entire New York Maritime community were disappointed to learn that Admiral Miller was leaving. All seemed to agree that there were too many important projects that could not succeed without "Hoss" Miller's guiding hand. During his service as president, Hoss Miller has transformed the Maritime College into a technologically advanced, state-of-the-art institution that is well equipped to train young men and women for the future. While the college has a long legacy of training seafarers, Admiral Miller has broadened the training programs so that Maritime College graduates are prepared to meet the new challenges of a rapidly evolving transportation and trading system.

A member of the New York State Maritime college class of 1953, Admiral Miller possessed a deep commitment to the college. Many in this House, know from personal expe-

rience the strenuous efforts made by Admiral Miller and the other Academy presidents to ensure that the Federal Government honored its commitment to the U.S.-flag merchant marine and maritime education. Although we in Congress seem to have forgotten an important lesson of history, namely that a nation without a maritime fleet is doomed to fail both militarily and economically. Admiral Miller spent his last days in office urging Congress to reexamine this misguided philosophy which neglects maritime education and ignores the unfair maritime practices of our trading partners. Without Admiral Miller's efforts, clearly the State maritime colleges would be in even more perilous condition. Just as he fought hard for his students and his alma mater before Congress, Hoss Miller led the fight in Albany for increased State funding for education.

Prior to joining the college, Admiral Miller had an outstanding record of military service. From his start as a nuclear expert on the U.S.S. *Enterprise*, through his service off the coast of Vietnam as executive officer of the U.S.S. *Bainbridge*, Hoss Miller served with distinction and courage. Upon retiring from the Navy, Admiral Miller sought to serve his Nation in the field of education. He was thrilled by the prospects of preparing a future generation of leaders. Admiral Miller has been tremendously successful in this endeavor and indeed the men and women who trained at the college are part of his legacy.

Although Admiral Miller is leaving the college with a record of accomplishment most would envy, I am certain he will find numerous ways to continue to serve his Nation and his fellow citizens. I and the members of the New York delegation wish you every success in the future.

As we look ahead, I will take this opportunity to welcome Admiral Brown, the new president of the New York Maritime College. Admiral Brown was previously president of the Great Lakes Maritime College and is well known to Members of this House. Admiral Brown, we are pleased to have someone of your stature succeed our friend and we wish you every success in this new position.

#### PROTECT FUNDING FOR THE ARTS IN THE INTERIOR APPROPRIATIONS BILL

#### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 2, 1995*

Mr. SANDERS. Mr. Speaker, I stand in complete opposition to this Interior appropriations bill, which could very well be the death knell for the National Endowments for the Arts. The bill itself terminates arts and humanities funding within 3 years.

Mr. Speaker, arts and culture are a vital part of human existence, and the opportunity to enjoy and appreciate the arts must be open to all of our people—and not just the wealthy who can pay \$50 for a concert ticket.

Today, the United States spends only 64 cents per person to support the Arts Endowment, 50 times less than our major allies. In contrast, we spend \$1,138 per person on military expenditures. Why is it that this Congress can lower taxes on the wealthiest people in our country, but cut back on programs which